

### **REMARKS/ARGUMENTS**

The Applicant has carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicant originally submitted Claims 1-27 in the application. The Applicant has previously canceled Claims 1, 7, 10, 16, 19 and 25 and added Claims 28-51. Claims 28-33, 37-39 and 43-48 have been amended herein. Accordingly, Claims 2-6, 8-9, 11-15, 17-18, 20-24 and 26-51 are currently pending in the application.

**I. Rejection of Claims 29, 31, 33, 44, 46 and 48 under the first paragraph of 35 U.S.C. §112**

The Examiner has rejected Claims 29, 31, 33, 44, 46 and 48 under the first paragraph of 35 U.S.C. §112 as containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner objected to the use of the term “actuator” in the claim, apparently because this word was not specifically set forth in the specification. The Applicant submits that the claims, as presented, “reasonably” conveyed to one skilled in the relevant art that the Applicant had possession of the claimed invention at the time the application was filed. However, in order to facilitate prosecution of this application, the Applicant has amended Claims 29, 31, 33, 44, 46 and 48, which, as amended, clearly show that the Applicant had possession of the claimed invention at the time the application was filed.

Therefore, because Claims 29, 31, 33, 44, 46 and 48 now show the Applicant has possession of the inventions claimed therein at the time the application was filed, the Applicant respectfully requests the Examiner to withdraw his rejection of these claims under the first paragraph of 35 U.S.C. §112.

**II. Rejection of Claims 28, 30, 32, 37-39, 43, 45 and 47 under the second paragraph of 35 U.S.C. §112**

The Examiner has rejected Claims 28, 30, 32, 37-39, 43, 45 and 47 under the second paragraph of 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Examiner believes certain common or similar language in these claims is unclear. The Applicant does not agree that the language is unclear. However, in order to facilitate prosecution of the patent, the Applicant has amended the claims in an effort to clarify them. As amended, Claims 28, 30, 32, 37-39, 43, 45 and 47 now point out and distinctly claim the subject matter regarded as the Applicant's invention. Therefore, the Applicant respectfully requests the Examiner to withdraw the rejection of Claims 28, 30, 32, 37-39, 43, 45 and 47 under the second paragraph of 35 U.S.C. §112.

**III. Rejection of Claims 2-6, 8-9, 11-15, 17-18 and 20-51 under 35 U.S.C. §103**

The Examiner has rejected Claims 2-6, 8-9, 11-15, 17-18 and 20-51 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,029,164 to Birrell, *et al.* (Birrell) (please note that the Office Action erroneously cited Birrell as Patent No. 6,029,192) in view of U.S. Patent No.

6,151,630 to Williams. As the Examiner is aware, the teaching or suggestion to make a claimed combination and the reasonable expectation of success must be found in the prior art.

Without reviewing Birrell and relying on the Examiner's conclusion that Birrell does not contain all the elements of independent Claims 28, 37 and 43, the Applicant respectfully calls attention to the fact that Williams does not constitute prior art within the meaning of 35 U.S.C. §103. Not only is there a common assignee of the Williams '630 patent and the instant application, but they also share a common inventor. The inventor in each case is Marvin L. Williams, Hickory Creek, Texas. The Williams '630 patent was filed on May 15, 1998, which is less than one year before the January 20, 1999 date the present application was filed, and was not published until November 21, 2000, which is subsequent to the January 20, 1999 filing date of the present application. Thus, the Williams '630 patent is not prior art with respect to the instant application and the inventions described in independent Claims 28, 37 and 43 can not be obvious over Birrell in view of Williams '630.

Because Birrell fails to teach or suggest the invention recited in independent Claims 28, 37 and 43 and their dependent claims, when considered as a whole, Claims 2-6, 8-9, 11-15, 17-18 and 20-51 are not obvious. In view of the fact that the cited references do not support the Examiner's rejection of Claims 2-6, 8-9, 11-15, 17-18 and 20-51 under 35 U.S.C. §103(a), the Applicant respectfully requests the Examiner withdraw the rejection.

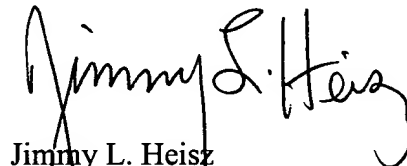
#### IV. Conclusion

In view of the foregoing amendment and remarks, the Applicant now sees all of the claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 2-6, 8-9, 11-15, 17-18, 20-24 and 26-51.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

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